

March 22, 2000

TO: Jim Laity  
FROM: Austin Perez  
SUBJ: SBA/Advocacy Comments on the Radionuclides NODA

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The staff of SBA's Office of Advocacy (SBA) submits the following comments on EPA's Notice of Data Availability (NODA) for radionuclides:

- (1) SBA supports re-proposal of radionuclides, because the changes to the 1991 proposal appear significant. The Maximum Containment Level (MCL) for combined radium (radium-226 and radium-228) has increased eight-fold in stringency. The uranium MCL could change by a factor of 2 or 3.
- (2) Uranium. SBA supports an MCL for Uranium of at least 40 pCi/L. At 20 pCi/L, the benefits do not justify the costs and, therefore, SBA urges EPA to use its authority under the Safe Drinking Water Act (SDWA) at Section 1412(6)(b) to adopt a less stringent MCL.

SBA recommends that EPA adopt an MCL of greater than 40 pCi/L, because, beyond 40, significantly fewer small systems are affected at significantly lower costs. While 160 small businesses would incur total costs of approximately \$8 million at 80 pCi/L, approximately 750 more would incur additional costs of \$30 million at 20 pCi/L. The net benefits to small systems also become less negative, as the standard becomes less stringent (from approximately -\$40 million at 20 pCi/L to -\$7 million at 80). Also, the net benefits to society of controlling uranium begin to approach a maximum only when considering levels upwards of 80 pCi/L (see Chart 1). Further, in the range under consideration (20-40 pCi/L), the marginal costs (all systems) significantly exceed marginal benefits (see Chart 2), which implies that controlling uranium in this range is contrary to the public good.

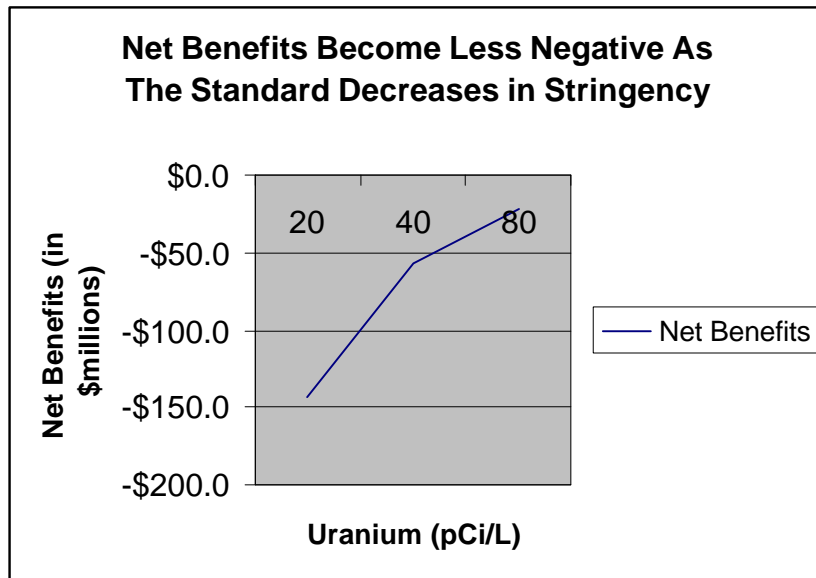
Further, it is unlikely that such a finding would change, if EPA were to quantify the benefits from reduced kidney exposure. The costs of an MCL of 20 pCi/L exceed the benefits by approximately 20 to 1. This means that, given a value of \$5.9 million for a statistical life, benefits would not equal costs unless 24 premature deaths could be avoided—which appears unachievable considering that EPA is currently projecting only two, at best. Even at 80 pCi/L, four premature deaths would have to be avoided before benefits equal costs.

- (3) Combined Radium. SBA does not support the MCL for combined radium at the level under consideration: 5 pCi/L, because the benefits at that level do not justify the costs. SBA does not agree that, by proposing a standard less stringent than 5 pCi/L, EPA would violate the SDWA anti-backsliding provision at Section 1412(b)(9). On the contrary, this provision does not preclude the establishment of an MCL, consistent with the level of risk of the 1976 standard ( $0.5$  to  $2 \times 10^{-4}$ ), based on best available science, and the legislative history seems to support

EPA's discretion to make such a determination. SBA encourages EPA to use best available science to identify the MCL equivalent to a lifetime risk of  $2 \times 10^{-4}$  and to propose the standard at that level.

- (4) SBA encourages EPA to change its preference from a monitoring-only option for non-transient, non-community water systems (NTNCWS) to a no-regulation alternative for these systems. SBA questions whether monitoring only requirements would have significant practical utility, and the information regarding NTNCWS is insufficient on which to base regulation. In addition, the exposure to radionuclides of the populations served by these systems is less than CWSs (as much as 50% less) and thus the risks are less. Therefore, regulation of NTNCWS is unwarranted.
- (5) SBA recommends that EPA update the initial regulatory flexibility analysis for radionuclides, to account for changes since the 1991 proposal and to be consistent with EPA's current guidance on RFA, and include it with the NODA (assuming EPA decides not to re-propose). How many, and what percentage of, small systems are affected at the changed standards and at what level (compliance costs as a percentage of annual sales)? Including an updated analysis, as the final regulatory flexibility analysis, in the final rule would not be preferable, because it would not allow for any public comments on the analysis or findings pursuant to the Administrative Procedures Act.

**CHART 1**



**CHART 2**

